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TOWNSEND and TOWNSEND and CREW LLP

By

Sylvia E. Arnold

PATENT

Attorney Docket No. 20553D-000611

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Arnold J. Levine, *et al.*

Application No.: 09/782,650

Filed: February 12, 2001

For: TARGETED ANGIOGENESIS

Examiner: Ram R. Shukla

Art Unit: 1632

RESPONSE TO SPECIES
ELECTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Claims 1-7, 28 and 29 are pending in the present application; claims 15-23 are withdrawn from further consideration pursuant to 37 C.F.R. § 1.142(b) as being drawn to a non-elected invention. The Examiner has requested that Applicants elect a single disclosed species under 35 U.S.C. § 121. In response to the Species Election mailed August 27, 2002, Applicants elect, with traverse, the species of vascular endothelial growth factor B₁₆₇ (VEGF-B₁₆₇).

As stated in MPEP § 809.02(a), "[u]pon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR § 1.141."

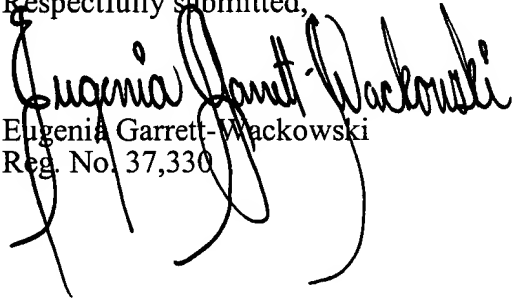
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PATENT

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,


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